Electronically filed August 8, 2007 1 Marc A. Levinson (California Bar No. 57613) Bob L. Olson (Nevada Bar No. 3783) Jeffery D. Hermann (California Bar No. 90445) Anne M. Loraditch (Nevada Bar No. 8164) 2 ORRICK, HERRINGTON & SUTCLIFFE LLP BECKLEY SINGLETON, CHARTERED 400 Capitol Mall, Suite 3000 530 Las Vegas Boulevard South 3 Sacramento, CA 95814-4497 Las Vegas, NV 89101 Telephone: (916) 447-9200 Telephone: (702) 385-3373 4 Facsimile: (916) 329-4900 Facsimile: (702) 385-5024 5 malevinson@orrick.com; Email: bolson@beckleylaw.com; Email: jhermann@orrick.com aloraditch@becklevlaw.com 6 Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC 7 8 UNITED STATES BANKRUPTCY COURT 9 DISTRICT OF NEVADA 10 In re: Case No. BK-S-06-10725 LBR USA COMMERCIAL MORTGAGE COMPANY, Case No. BK-S-06-10726 LBR 11 Case No. BK-S-06-10727 LBR USA CAPITAL REALTY ADVISORS, LLC, Case No. BK-S-06-10728 LBR 12 Case No. BK-S-06-10729 LBR USA CAPITAL DIVERSIFIED TRUST DEED 13 FUND, LLC, Chapter 11 14 USA CAPITAL FIRST TRUST DEED FUND, LLC. Jointly Administered Under 15 Case No. BK-S-06-10725-LBR USA SECURITIES, LLC, 16 NOTICE OF ENTRY OF ORDER Debtors. SUSTAINING SECOND OMNIBUS 17 **OBJECTION OF POST-EFFECTIVE** DATE USA CAPITAL DIVERSIFIED 18 TRUST DEED FUND, LLC, TO PROOFS OF INTEREST 19 Affects: ☐ All Debtors 20 Hearing Date: July 27, 2007 ☐ USA Commercial Mortgage Company Hearing Time: 9:30 a.m. ☐ USA Securities, LLC 21 Hearing Place: Courtroom 1 ☐ USA Capital Realty Advisors, LLC ■ USA Capital Diversified Trust Deed Fund, LLC 22 ☐ USA First Trust Deed Fund, LLC 23 24 PLEASE TAKE NOTICE that on the 7th day of August 2007, the Court entered its 25 Order Sustaining Second Omnibus Objection of Post-Effective Date USA Capital Diversified 26 /// 27 /// 28 {00413613;} Page - 1 - of 2

OHS West:260095880.3

Case 06-10725-gwz Doc 4427 Entered 08/08/07 14:15:52 Page 1 of 10

1	Trust Deed Fund, LLC to Proofs of Interest, a true and correct copy of which is attached hereto.
2	DATED this 8th day of August 2007.
3	BECKLEY SINGLETON, CHTD.
4	
5	By: <u>/s/ Anne M. Loraditch</u> Bob L. Olson, Esq. (NV Bar No. 3783)
6	Anne Loraditch, Esq. (NV Bar No. 8164)
7	530 Las Vegas Boulevard South Las Vegas, NV 89101
8	Attorneys for USA Capital Diversified Trust Deed
9	Fund, LLC
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20 21	
22	
23	
24	
25	
26	
27	
28	

	Case 06-10725-gwz Doc 4427 Entered 08/0	18/07 14:15:52 Page 3 01 10
	THES BANKRUPTO	08/07/2007 Page: 1 of 8
1	RI COURT	
2		a
3	Entered on Docket	Si-Ri
4	August 07, 2007	Hon. Linda B. Riegle
5	U	nited States Bankruptcy Judge
6	Marc A. Levinson (California Bar No. 57613) Jeffery D. Hermann (California Bar No. 90445)	Bob L. Olson (Nevada Bar No. 3783) Anne M. Loraditch (Nevada Bar No. 8164)
7	ORRICK, HERRINGTON & SUTCLIFFE LLP 400 Capitol Mall, Suite 3000	BECKLEY SINGLETON, CHARTERED
8	Sacramento, CA 95814-4497	530 Las Vegas Boulevard South Las Vegas, NV 89101
9	Telephone: (916) 447-9200 Facsimile: (916) 329-4900	Telephone: (702) 385-3373
10	Email: <u>malevinson@orrick.com</u> ;	Facsimile: (702) 385-5024 Email: bolson@beckleylaw.com ;
	jhermann@orrick.com	aloraditch@beckleylaw.com
11 12	Attorneys for Post-Effective Date USA Capital Dive	rsified Trust Deed Fund, LLC
13	UNITED STATES BANKI	RUPTCY COURT
	DISTRICT OF N	EVADA
14	In re:	
15 16	USA COMMERCIAL MORTGAGE COMPANY, Debtor.	Case No. BK-S-06-10725 LBR Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR
	In re:	Case No. BK-S-06-10728 LBR
17	USA CAPITAL REALTY ADVISORS, LLC, Debtor.	Case No. BK-S-06-10729 LBR
18	In re:	Chapter 11
19	USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,	Jointly Administered Under
20	Debtor.	Case No. BK-S-06-10725-LBR
21	USA CAPITAL FIRST TRUST DEED FUND, LLC Debtor.	ORDER SUSTAINING SECOND OMNIBUS OBJECTION OF POST-
22	In re: USA SECURITIES, LLC,	EFFECTIVE DATE USA CAPITAL DIVERSIFIED TRUST DEED FUND
23	Debtor.	LLC, TO PROOFS OF INTEREST
24	Affects: □ All Debtors	Hearing Date: July 27, 2007
25	☐ USA Commercial Mortgage Company	Hearing Time: 9:30 a.m.
	□ USA Securities, LLC□ USA Capital Realty Advisors, LLC	Hearing Place: Courtroom 1
26	■ USA Capital Diversified Trust Deed Fund, LLC	
27	☐ USA First Trust Deed Fund, LLC	
28		

1 The Court, having considered the Second Omnibus Objection of Post-Effective Date 2 USA Capital Diversified Trust Deed Fund, LLC to Proofs of Interest (the "Objection"), Anne M. 3 Loraditch, of the law firm of Beckley Singleton, Chtd., appearing on behalf of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC; with no other appearances being noted on 4 5 the record; appropriate notice of the Objection having been given; and for good cause appearing: 6 IT IS HEREBY ORDERED that the Objection is sustained. 7 IT IS FURTHER ORDERED that the interests listed on Exhibit 1, attached hereto and 8 made a part hereof, shall be treated in accordance with the disposition detailed on Exhibit 1 with 9 respect to such interests. 10 PREPARED AND RESPECTFULLY SUBMITTED BY: BECKLEY SINGLETON, CHTD. 11 12 /s/ Anne M. Loraditch BOB L. OLSON, ESQ. 13 Nevada Bar No. 3859 ANNE M. LORADITCH, ESQ. 14 Nevada Bar No. 8164 15 530 Las Vegas Boulevard South Las Vegas, Nevada 89101 16 and 17 18 ORRICK, HERRINGTON & SUTCLIFFE LLP Marc A. Levinson (California Bar No. 57613) 19 Rachel Ragni (California Bar No. 214061) 400 Capitol Mall, Suite 3000 20 Sacramento, California 95814-4497 21 Attorneys for Post-Effective Date USA Capital 22 Diversified Trust Deed Fund, LLC 23 24 25 26 27

Entered 08/08/07 14:15:52

Filed: 08/07/2007

Page 4 of 10

Page: 2 of 8

28

Case 06-10725-gwz

Case: 06-10725-lbr

Doc 4427

Doc #: 4417

	Case: 06-10725-lbr Doc #: 4417 Filed: 08/07/2007 Page: 3 of 8									
1	RULE 9021 DECLARATION									
2	In accordance with Local Rule 9021, the undersigned certifies:									
3	☐ The Court waived the requirements of LR 9021.									
4 5	I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:									
6	approved the form of this order; and/or									
7	□ waived the right to review the order; and/or □ failed to file and serve papers in accordance with LR 9021(c); and									
8	the following have disapproved the form of the order:									
9	No parties filed any written opposition or appeared at the hearing regarding the Objection, and there is no trustee appointed in the case.									
10	a system, and more is no trustee appointed in the ease.									
11	BECKLEY SINGLETON, CHARTERED									
12	By: /s/ Anne M. Loraditch									
13	Anne M. Loraditch (Nevada Bar No. 8164) 530 Las Vegas Boulevard South Las Vegas, Nevada 89101									
14	Las Vegas, Nevada 89101									
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25										
26										
27										

Case 06-10725-gwz Doc 4427 Entered 08/08/07 14:15:52 Page 5 of 10

Case 06-10725-gwz Doc 4427 Entered 08/08/07 14:15:52 Page 6 of 10

Case: 06-10725-lbr Doc #: 4417 Filed: 08/07/2007 Page: 4 of 8

EXHIBIT 1

Interest	Equity Interest	Acct ID#	Date of Proof of	Asserted Equity	Amount of Equity	Disposition
No.	Holder	láľ ji	Interest	Interest	Interest Per	
				Amount	Debtors'	
		199			Records	
175	Anne	999	11/13/06	\$100,000	\$100,000	Interest disallowed in
	Nounna					its entirety as
Ì						duplicative of interest
						no. 174 already filed in the Diversified case.
176	Anne	999	11/13/06	\$100,000	\$100,000	Interest disallowed in
	Nounna				, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	its entirety as
						duplicative of interest
						no. 174 already filed in
107		17000				the Diversified case.
127	Olympia	15238	11/10/06	\$100,000	\$96,094.65	Interest disallowed to
	Capitol Mgmt,			i		the extent it exceeds
	Registrant		}			\$96,094.65, which is
	Rogistrant					the amount of the filing Party's equity interest
						in Diversified as of the
						Petition Date, as
						reflected in
						Diversified's books and
-024						records.
024	Robert J.	10827	10/02/06	\$77,423.96	\$72,070.98	Interest disallowed to
	Scott	Ì				the extent it exceeds
1	J					\$72,070.98, which is
	Ì					the amount of the filing Party's equity interest
						in Diversified as of the
	j					Petition Date, as
		}				reflected in
	ĺ					Diversified's books and
						records.

{00411851;}

Case 06-10725-gwz Doc 4427 Entered 08/08/07 14:15:52 Page 7 of 10

| Case: 06-10725-lbr Doc #: 4417 Filed: 08/07/2007 Page: 5 of 8

1	Proof of Interest	Equity Interest	Acct ID#	Date of Proof of	Asserted Equity	Amount of	Disposition
2	No.	Holder	ID#	Interest	Interest	Equity Interest Per	
3					Amount	Debtors'	
4	099	Carol	3012	11/02/06	\$09.054.26	Records	
4	099	Turner	3012	11/02/06	\$98,054.36	\$96,094.65	Interest disallowed to the extent it exceeds
5		1 3/2101					\$96,094.65, which is
6							the amount of the filing
							Party's equity interest
7							in Diversified as of the
8				•			Petition Date, as reflected in
0							Diversified's books and
9							records.
10	090	John	9838	11/01/06	\$59,548.51	\$59,548.51	Interest disallowed in
11		Weaver					its entirety as duplicative of interest
							no. 23 already filed in
12							the Diversified case.
13	088	Raul Wood	9784	10/31/06	\$33,564.91	\$33,564.91	Interest disallowed in
							its entirety as
14						i	duplicative of interest no. 86 already filed in
15							the Diversified case.
16	089	Raul Wood	10384	10/31/06	\$31,439.12	\$31,439.12	Interest disallowed in
10						l I	its entirety as
17							duplicative of interest no. 85 already filed in
18							the Diversified case.
	039	1994	5827	10/10/06	\$200,000.00	\$192,189.29	Interest disallowed to
19		Duesing Trust	İ				the extent it exceeds
20		Trust					\$192,189.29, which is the amount of the filing
21							Party's equity interest
21						•	in Diversified as of the
22							Petition Date, as
23					}		reflected in Diversified's books and
							records.
24				:			records.
25							
26							
27							
28							

{00411851;}

Case 06-10725-gwz Doc 4427 Entered 08/08/07 14:15:52 Page 8 of 10

Case: 06-10725-lbr Doc #: 4417 Filed: 08/07/2007 Page: 6 of 8

1	Droof of	· Paul	1 4 2	- D (C	T Austria		
	Proof of Interest	Equity Interest	Acct ID#	Date of Proof of	Asserted	Amount of	Disposition
2	No.	Holder		Interest	Equity Interest	Equity Interest Per	
3					Amount	Debtors'	
,						Records	
4	030	Bank of	2067	10/02/06	\$49,287.32	\$48,047.32	Interest disallowed to
5		America					the extent it exceeds
,		Trustee, IRA					\$48,047.32, which is
6		Herbert					the amount of the
7		Hansen			-		filing Party's equity interest in Diversified
,							as of the Petition
8							Date, as reflected in
9							Diversified's books
9							and records.
10	158	Benjamin	7149	11/14/06	\$25,000.00	\$24,023.66	Interest disallowed to
11	<u> </u>	Barnica	:				the extent it exceeds
11							\$24,023.66, which is
12							the amount of the filing Party's equity
							interest in Diversified
13							as of the Petition
14							Date, as reflected in
							Diversified's books
15	110	Tabara	17505	11/00/06	000.065.51	-	and records.
16	110	Jean Berthelot	17505	11/09/06	\$33,965.51	\$24,023.66	Interest disallowed to
		Definerot					the extent it exceeds
17		}					\$24,023.66, which is the amount of the
18							filing Party's equity
							interest in Diversified
19							as of the Petition
20					}		Date, as reflected in
							Diversified's books
21	065	Tearnan	12053	10/16/06	\$59,058.88	\$58,958.88	and records. Interest disallowed to
22		Blake	12000	10/10/00	Ψυν,0υ0.00	ψυυ,συο.00	the extent it exceeds
			į				\$58,958.88, which is
23				İ			the amount of the filing
24			ļ				Party's equity interest
					.		in Diversified as of the
25							Petition Date, as
26							reflected in Diversified's books
1			İ				and records.
27							
28						İ	

{00411851;}

Case 06-10725-gwz Doc 4427 Entered 08/08/07 14:15:52 Page 9 of 10

Case: 06-10725-lbr Doc #: 4417 Filed: 08/07/2007 Page: 7 of 8

1	Proof of	Equity	Acct	Date of	Asserted	Amount of	Disposition
2	Interest	Interest	ID#	Proof of	Equity	Equity	
2	No.	Holder		Interest	Interest	Interest Per	
3					Amount	Debtors'	
4	005		1 3 7 1			Records	
4	095	Douglas Carson	354	11/07/06	\$150,000.00	\$144,141.97	Interest disallowed to
5		Carson					the extent it exceeds
_							\$144,141.97, which is the amount of the filing
6							Party's equity interest
7							in Diversified as of the
							Petition Date, as
8			}				reflected in
9							Diversified's books
	093	¥	270	11/07/06	425.000.00		and records.
10	093	Laurie Carson	378	11/07/06	\$25,000.00	\$24,023.66	Interest disallowed to
11		Carson		1			the extent it exceeds
11							\$24,023.66, which is the amount of the filing
12							Party's equity interest
12					;		in Diversified as of the
13							Petition Date, as
14							reflected in
1.5							Diversified's books
15	173	Vincent	467	11/15/06	£40.047.22	\$40.047.00	and records.
16	173	Danelian	467	11/15/06	\$49,047.32	\$48,047.92	Interest disallowed to
		Danchan					the extent it exceeds \$48,047.92, which is
17	į						the amount of the filing
18							Party's equity interest
ĺ							in Diversified as of the
19							Petition Date, as
20							reflected in
							Diversified's books and
21	071	Debra	11553	10/20/06	\$30,533.48	\$29,923.24	records.
22		Williams	11333	10/20/00	\$50,555.46	\$49,943.24	Interest disallowed to the extent it exceeds
22							\$29,923.24, which is
23							the amount of the filing
24							Party's equity interest
۷٦							in Diversified as of the
25							Petition Date, as
26]		reflected in
20							Diversified's books and records.
27							records.
20						}	
28							
l l							

{00411851;}

Case 06-10725-gwz Doc 4427 Entered 08/08/07 14:15:52 Page 10 of 10

Case: 06-10725-lbr Doc #: 4417 Filed: 08/07/2007 Page: 8 of 8

1	Proof of		Acct	Date of	Asserted	Amount of	Disposition
2	Interest	Interest	ID#	Proof of	Equity	Equity	
_	No.	Holder		Interest	Interest	Interest Per	
3					Amount	Debtors'	
4	040	Albert H.	16816	10/10/06	#50,000,00	Records	
4	040	Downing	10810	10/10/06	\$50,000.00	\$48,047.32	Interest disallowed to
5		Downing					the extent it exceeds
						İ	\$48,047.32, which is
6							the amount of the filing
7							Party's equity interest in Diversified as of the
				ļ ;			Petition Date, as
8							reflected in
							Diversified's books and
9							records.
10	049	David	15527	10/11/06	\$96,594.65	\$96,094.65	Interest disallowed to
10		Joyce			, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	, 41 0,05 1102	the extent it exceeds
11							\$96,094.65, which is
							the amount of the filing
12			i				Party's equity interest
13						į	in Diversified as of the
.							Petition Date, as
14							reflected in
		:					Diversified's books and
15	187	Parada da da	17507	11/10/06	450.000.00		records.
16	18/	Frederick W. Kewell	17527	11/16/06	\$50,000.00	\$52,439.42	Interest allowed in the
`		w. Kewen					amount of \$52,439.42,
17							which is the amount of
.			j		ļ		the filing Party's equity
18							interest in Diversified
19		ļ					as of the Petition Date, as reflected in
- 1]						Diversified's books and
20			ļ				records.
- 4	———						records.

###